



The State University  
of New York

Office of the  
Board of Trustees

State University Plaza  
Albany, New York 12246

[www.suny.edu](http://www.suny.edu)

## **MEMORANDUM**

**January 25, 2012**

**To: Members of the Board of Trustees**

**From: H. Carl McCall, Chairman**

**Subject: Equitable Financial and Educational Access to Higher  
Education for New York's Undocumented Immigrants**

### **Action Requested**

The proposed resolution affirms the support of the State University of New York for equitable financial and educational access to higher education for all New Yorkers, including its undocumented immigrants.

### **Resolution**

I recommend that the Board adopt the following resolution:

Whereas the current demographic realities of New York State indicate that many of the brightest and hardest working students eligible to enter SUNY institutions will be of undocumented status and it is imperative to assist them financially because under current laws they are prohibited from receiving state financial aid; and

Whereas State law currently allows undocumented immigrants to enroll in institutions of public higher education in New York and, if they meet other residency standards including graduation from a New York high school or GED program, to pay the in-State tuition rate; and

Whereas providing State tuition assistance and college savings assistance to students and their families alleviates economic hardships and ensures higher graduation rates, but tuition assistance and college savings assistance are not currently extended to undocumented immigrants; and

To Learn  
To Search  
To Serve

the Power of



Whereas upon graduating many immigrant students will contribute to the economic competitiveness of New York and continue to make this State's economy one of the largest in the world; and

Whereas initiatives, including legislative proposals, for equitable educational and financial access to higher education for students of all ethnic and economic backgrounds regardless of their legal immigration status have received public support from the New York State Education Department, City University of New York, New York University, the Mayor of the City of New York, the New York City Council, members in the Federal and State legislatures, and advocacy organizations; now, therefore, be it

Resolved that the State University publicly affirms its support for efforts to ensure financial and educational access to higher education for New York's undocumented immigrants; and, be it further

Resolved that the State University Board urges the Chancellor to ensure that undocumented students are able to enroll without encumbrance in SUNY institutions, and to pay, when appropriate, tuition at the in-State tuition rate, and to work in partnership with other institutions of higher education, undocumented immigrant advocates, and elected officials in New York State to enact legislation to allow all New Yorkers, regardless of legal status, to receive State financial aid benefits as well as the benefit of in-State tuition rates.

### **Background**

A federal bill entitled "Development, Relief and Education for Alien Minors" (DREAM Act) would grant eligible immigrant students who came to the United States through no fault of their own the ability to become permanent residents if they completed at least two years of a four-year degree in a college or university in a state, or served at least two years in the military. In December 2010 the federal bill [received a majority vote in the U.S. Senate, but did not receive the required votes to break the filibuster in the Senate]. After the defeat of that legislation at the Federal level, three states have been successful in introducing and passing their own versions, which unlike the Federal legislation have principally focused on providing financial assistance to their undocumented immigrant students. California and Illinois are among the states that stand out for their leadership in enacting into law a version of the DREAM Act. The California Dream Act permits undocumented students who attend and graduate from high

school and have proof of their applications for legal immigration status to be eligible for state-funded financial aid for college and access to receive scholarships from private colleges. Similarly, Illinois passed its own Dream Act, which gives undocumented students a chance to receive privately funded grants.

SUNY in partnership with the State Education Department, CUNY, New York University, the New York City Council, members in the Federal and State legislatures and advocacy organizations would publicly support the passage of similar laws to grant equitable financial and educational access to higher education for New York's undocumented immigrant students.

Under current laws, New York State prohibits undocumented immigrant students from receiving State financial aid in the form of general awards, academic performance awards, student loans and/or tuition assistance through the Tuition Assistance Program (TAP). This resolution would indicate our support and willingness to work with stakeholders to develop sensible legislation to provide access for a significant portion of the state's students.

The New York State Department of Education has put forward a legislative proposal known as *the Education Equity for DREAMers Act*. Additionally, there are several pieces of legislation that have been introduced in the Legislature that would accomplish the goal of providing equitable financial assistance for undocumented students. The bills would eliminate current provisions requiring students to be a U.S. citizen or permanent lawful resident to receive State financial aid and instead extend the Tuition Assistance Program (TAP); authorizing SUNY, CUNY and community colleges trustees to provide State-aided programs, scholarships or other financial assistance to those who have graduated from New York State high schools; allowing students regardless of their legal status to receive funds in the higher education opportunity programs and the collegiate and technology entry program, and allowing undocumented students to have a taxpayer identification number to open a New York 529 family tuition account.

Though this resolution is not indicative of support for any particular legislation, it affirms the public support of the State University Board for efforts to provide undocumented immigrants the opportunity for equitable access to higher education by making financial assistance available when appropriate.